

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL. No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO ALL
ACTIONS

Chief Mag. Judge Marianne B. Bowler

**PLAINTIFFS' CONSENT MOTION FOR AN EXTENSION OF TIME TO
OPPOSE DEFENDANTS BRISTOL-MYERS SQUIBB COMPANY, ONCOLOGY
THERAPEUTICS NETWORK CORP. AND APOTHECON, INC.'S MOTION TO
COMPEL THE PRODUCTION OF DOCUMENTS BY PLAINTIFFS AND MOTION
FOR A PROTECTIVE ORDER AGAINST A DEPOSITION NOTICE**

Plaintiffs hereby move, with the consent of counsel for Bristol-Myers Squibb, Oncology Therapeutics Network Corp. and Apothecon, Inc. (collectively "BMS"), for a two day extension of time until September 15, 2004, to oppose the Motion to Compel the Production of Documents by Plaintiffs and Motion for a Protective Order Against a Deposition Notice. The parties have been discussing potential resolutions to this dispute. No further extensions of time are anticipated.

Accordingly, Plaintiffs move for the entry of the proposed scheduling order attached hereto.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned hereby certify that counsel for BMS consents to this motion.

Dated: September 13, 2004

By: /s/ Edward Notargiacomo
One of Plaintiffs' Counsel

Thomas M. Sobol
Edward Notargiacomo
HAGENS BERMAN LLP
One Main Street, 4th Floor
Cambridge, MA 02142

LIAISON COUNSEL

Steve W. Berman
Sean R. Matt
HAGENS BERMAN LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101

Samuel Heins
Brian Williams
HEINS MILLS & OLSON, P.C.
3550 IDS Center
80 South 8th Street South
Minneapolis, MN 55402

Jeff Kodroff
John Macoretta
SPECTOR, ROSEMAN &
KODROFF, P.C.
18181 Market Street, Suite 2500
Philadelphia, PA 19103

**CHAIRS OF LEAD COUNSEL
COMMITTEE**

Kenneth A. Wexler
Elizabeth A. Fegan
THE WEXLER FIRM LLP
One North LaSalle
Suite 2000
Chicago, Illinois 60602

Marc H. Edelson
HOFFMAN & EDELSON
45 West Court Street
Doylestown, PA 18901

**MEMBERS OF LEAD
COUNSEL COMMITTEE AND
EXECUTIVE COMMITTEE**

Michael McShane
ALEXANDER, HAWES & AUDET
LLP
300 Montgomery Street, Suite 400
San Francisco, CA 94104

Robert E. Piper, Jr.
PIPER & ASSOCIATES
624 Pierre Avenue
Shreveport, LA 71103

**MEMBERS OF EXECUTIVE
COMMITTEE**

Anthony Bolognese
BOLOGNESE & ASSOCIATES
One Penn Center
1617 JFK Boulevard, Suite 650
Philadelphia, PA 19103

Jonathan W. Cuneo
The Cuneo Law Group
317 Massachusetts Avenue, N.E.
Suite 300
Washington, D.C. 20002

Neal Goldstein
Freedman & Lorry, P.C.
400 Market Street, Suite 900
Philadelphia, PA 19106

Michael E. Criden
Hanzman & Criden, PA
Commerce Bank Center, Suite 400
220 Alhambra Circle
Coral Gables, FL 33134

Blake M. Harper
Kirk B. Hulett
Hulett Harper LLP
550 West C Street, Suite 21700
San Diego, CA 92101

Jonathan D. Karmel
KARMEL & GILDEN
221 N. LaSalle Street
Suite 1414
Chicago, IL 60601
Philadelphia, PA 19103

Diane M. Nast
RODA & NAST PC
801 Estelle Drive
Lancaster, PA 17601

Henry H. Rossbacher
ROSSBACHER & ASSOCIATES
811 Wilshire Boulevard
Suite 1650
Los Angeles, CA 90017-2666

Jonathan Shub
SHELLER, LUDWIG & BADEY
1528 Walnut Street
3rd Floor
Philadelphia, PA 19102

Ira Neil Richards
TRUJILLO RODRIGUEZ &
RICHARDS, LLC
The Penthouse
226 West Ritten House Square
Philadelphia, PA 19103

Scott R. Shepherd
SHEPHERD & FINKLEMAN, LLC
117 Gayley Street, Suite 200
Media, PA 19063

Mitchell A. Toups
WELLER, GREEN, TOUPS &
TERRELL L.L.P.
2615 Calder Street, Suite 400
P.O. Box 350
Beaumont, TX 77704

Damon Young
Lance Lee
YOUNG, PICKETT & LEE
4122 Texas Boulevard
P.O. Box 1897
Texarkana, AR/TX 75504

**ADDITIONAL ATTORNEYS
FOR PLAINTIFFS**

CERTIFICATE OF SERVICE BY VERILAW

Docket No. MDL 1456

I, Edward Notargiacomo, hereby certify that I am one of plaintiffs' attorneys and that, on September 13, 2004, I caused copies of PLAINTIFFS' CONSENT MOTION FOR AN EXTENSION OF TIME TO OPPOSE DEFENDANTS BRISTOL-MYERS SQUIBB COMPANY, ONCOLOGY THERAPEUTICS NETWORK CORP. AND APOTHECON, INC.'S MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS BY PLAINTIFFS AND MOTION FOR A PROTECTIVE ORDER AGAINST A DEPOSITION NOTICE to be served on all counsel of record by causing same to be posted electronically via Verilaw.

Dated: September 13, 2004

/s/ Edward Notargiacomo
Edward Notargiacomo